such conveniences, and being con- member of the commiss vinced that some provision for

from the building.

under the direction of the commission wersation occurred in the town which erected the "splendid ten thous- many dollar steel ceiling" in the main 30 feet of the paling of Mr. Patterson's cation I write to say that I recollect than on May 31, 1902, when you were than on May 31, 190 lobby, nearly 15 years ago, largely un-der the supervision of Senator Mar-Subsequent shall, who was then secretary of state. We desire to impress upon you the fact that you have not been put in possession of any evidence or statement as to the apparent condition of the State house upon the day when the acceptance was made and the final installment paid to the contractor. We. therefore, inform you that when the work was accepted and the money paid a personal inspection by special com-mittee of the commission was made and the roof with all of its accessories,

appeared in perfect condition, and every stone laid under the contract was free from cracks or apparent defects, and this notwithstanding a test period of nearly or quite a month had The

The plane of the system of the

these closets as long as they were so with the limitations above expressed I house located. Realizing the importance of have signed myself as a responsible

locality in the building for these ments as they respectively desired to closets. These new closets were not make, I submit the following: contemplated when the question of That in the election of architect to contemplated when the question of completing the State house came before the general assembly, nor were there any plans, specifications or contract relating thereto; but the commission of the specifications or contract relating thereto; but the commission of the specifications or contract relating thereto; but the commission of the specifications or contract relating thereto; but the commission of the specifications of the specification there any plans, specifications or contract relating thereto; but the commission believing that out of the appropriation enough had been saved to installed these necessaries, made such contractors, and the competition, and it resolved itself into existing tion, at the time the fixtures were installed there was no seweral exports of the winding and modified and death of the competition of the vision believing that the was summoned to produce certain records of the commission for the completion of the state house and to placing the dome on the building; that the reference to them as justified the companies of the competition of the competition, and it resolved itself into existing the contractors. Called sharp were installed there was no seweral exports of the summoned to produce certain records of the commission for the completion of the State house and to propriation, and it resolved itself into existing the contractors secured a promission of the completion of the completion of the state house and to propriation, and it resolved itself into exercision. At the time the fixtures were installed there was no seweral exports of the sum contractors secured a propriation, and it resolved itself into exercision. At the time the fixtures were installed there was no seweral exports of the sum exports of the sum exports of the commission of the completion of the state house and to propriation, and it resolved itself into exports of the sum of the dome on the buildings, that the regarded the said old iron tworths that he was summoned to produce certain ferce the highest market price for the buildings, that the was summoned to produce certain records the highest market price for the buildings, that the completion of the state house and to propriation, and it resolved itself into it was necessary to remove it in records at the regarded the highest market price for the buildings, that the was summoned to produce certain records the time records of the dome on the buildings, that the resolved itself into it was necessary to t

W. H. Timmerman.

Second the part of the committee to make this arrangement was most fortunate, as subsequent events proved, for the discovery was about that time made that the old water closets had been silently and unsuspectingly venting their gases through secret and unknown flues in the brick walls of the building into the offices upon the lower floor and spreading discovery when the transfer of the part of the asylum for the final interpretation by said committee while deponent was endeavoring to put in what he considered necessary or proper qualifications of "yes" and "no" answers deponent was interrupted by the chairman with the statements "answer the questions were not asked him.

J. B. Garfunkel. That just after the examination was the insane.

That he did not testify to the facts amination by said committee while deponent was endeavoring to put in what investigating committee because the investigating committee because the questions were not asked him.

J. B. Garfunkel. That just after the examination was amination by said committee while deponent was endeavoring to put in what investigating committee because the investigating committee because the questions were not asked him.

J. B. Garfunkel. That just after the examination was amination by said committee while deponent was endeavoring to put in what he considered necessary or proper qualifications of "yes" and "no" answers deponent was interrupted by the chairman with the statements "answer the questions were not asked him.

J. B. Garfunkel. That just after the examination was amination by said committee while deponent was endeavoring to put in what he considered necessary or proper qualifications of "yes" and "no" answers deponent was interrupted by the chairman with the statements "answer the investigating committee because the variation of "yes" and "no" answers deponent was interrupted by the chairman with the statements "answer the investigating to the investigation of "yes" and "no" the offices upon the lower floor and just returned from Columbia where spreading disease and death among the State's employes. The commission of sanitary experts appointed by Gov. Heyward, while criticizing some deals of the new work, ordered the old closets peremptorily and immediately was the chairman of the committee. closets peremptorily and immediately was the chairman of the committee shall was present. was made of the chairman it would were directly connected with these closets and had to be hermetically scaled until the old work was removed from the home to be a granted. Deponent referred to reasons mutually known to him and to Mr. Patterson why such request would be unpleasant to deponent upon which the home the home to be a granted. Deponent referred to reasons mutually known to him and to be unpleasant to deponent upon which the home to be a granted. Deponent referred to reasons mutually known to him and to be unpleasant to deponent upon which the property of the demand Mr. Edens, the sanitary in-spector of Columbia, joined. The grates be granted. Deponent referred to rea-or fire places in several of the offices one mutually known to him and to he would bimself notify the chair-The condemned closets had been in- man of the desire of the members of stalled at great expense to the State the commission to be heard. This con-under the direction of the commission occurred in the town of the commission occurred in the town of the state the commission occurred in the town of the state the commission occurred in the town of the state that the commission occurred in the town of the state that the commission occurred in the town of the state that the commission occurred in the town of the state that the commission occurred in the town of the state that the commission occurred in the town of the state that the commission occurred in the town of the state that the commission occurred in the town of the state that the commission occurred in the town of the state that the commission occurred in the town of the state that the commission occurred in the town of the state that the commission occurred in the town of the state that the commission occurred in the town of the state that the commission occurred in the town of the state that the commission occurred in the town of the state that the commission occurred in the town of the state that t

right which we had demanded would be accorded to us, and he assured me of which letter the following is a copy, that it would, and that he had spoken to wit: to the chairman on the subject and the probability was that the illness from which Mr. Aldrich was then suffering was the reason why I, and other members of the commission had not been action of the commission for the comnotified. I again impressed upon him
that this request was made on behalf
May 23, 1902, to-wit: 'Resolved that it of all of the members of the commis- appears to the commission for the com-

These are the occasions to which I elapsed from the date when the build- referred in the communications which ing was tendered, during which period I recently published concerning this we were satisfied that a sufficient test request made upon Mr. Patterson, and had been made. During said period at that time I had no reference to any there were several precipitations of rain, notably on the 12th day of May, 1902, when the rain began to fall about 2 o'clock in the morning and continued during which time nearly an inch of water fell. Rain followed again on the 14th, falling during the night, and the 14th, falling during the night, and this demand for justice was repeated. the 14th, falling during the night, and this demand for justice was registered. On the 15th, when in 21 minutes 3-4 of In the city of Columbia, on the night me surrendered to them the said content that the surrendered to them the said content that the city of Columbia, on the night me surrendered to them the said content the relating to the question of the own proved by a vote taken vivous registered. On the 17th of December, just passed, tractors. No action was by said comproved by a vote taken vivous registered to them the said content to them the said content to them the said content to the relating to the question of the own proved by a vote taken vivous registered. On the 17th of December, just passed, tractors. No action was by said comproved to the relating to the question of the own are relating to the question of the own proved by a vote taken vivous registered. On the 17th of December, just passed, tractors. We action taken authorizing or directing material" in connection with the South of the State of the Under this severe test the roof appeared to be perfect as far as protection from water is concerned. This statement is made on official information given us by the United States authorities.

We confess with the utmost candor that in some respects, particularly as to the roof and the floor lights, we have not been altogether pleased with the result of the work. But these at the worst are not as serious as would have been blunders involving the construction of the stone work, and other more mittee arose and I learned accidentally

one of my partners, the Hon. L. W. Haskell, who is a member of the house the house of representatives, and myself went by appointment to the Columbia hotel to meet some clients from the city of Augusta, with whom we conferred until about 12 o'clock. After this confertence and when about to leave the hotel with or performance of contract, and surrender said surety bond to resolution of commission as to contractors? with, or performance of contract, and surrender of said surety bond to endorse upon said the conferred until about 12 o'clock. After this conference and when about to leave the hotel we met Mr. J. O. Patterson, who requested us to go to his room, as he would have to sit up to catch a late train. While in this gentleman's room the subject of the investigating committee arose and I learned accidentally been blunders involving the construc-the subject of the investigating com-tion of the stone work, and other more mittee arose and I learned accidentally permanent portions of the building, that a meeting of this committee had which has come up to the full measure been very recently held. Becoming which has come up to the full measure been very recently held. Becoming "P. S.-Mr. Unkefer informs me of the expectation of the commission, thus convinced that the promised hear- that until surrendered his surety bonds

Lewis G. Wood, Jr., The State.

must be made before the permanent work on the State house was completed.

Under the resolution passed by the general assembly of South Carolina, the commission sought to provide a allowing the members of the State different, more convenient and safer house commission to file such state house commission to file such state house commission to file such state.

Notary Public for South Carolina, Peblic For South Carolina, Pebl Exhibit E.

State of South Carolina,

mittee requested deponent to say noth-ing of what had transpired during his Robert J. Gantt, Capitol Building:

examination by said committee. That during deponent's examination by said committee Senator J. Q. Mar-W. A. Chesterman.

Letter Book, New Series, No. 1 to 200,' "Columbia, S. C., May 31, 1902.

"Hon. G. Duncan Bellinger, Attorney General, Columbia, S. C.

"Dear Sir: You are familiar with the pletion of the State house, that the work is satisfactory and that the con-tract has been substantially performed.' The above resolution was upon the question as to whether McIlvain-The above resolution was upon Unkefer company has performed their contracts for the completion of the State house, and subsequently the mission ordered the balance due McIl-vain-Unkefer company on their said contracts to be paid. McIlvain-Unke-fer company now desire that the surety bond for \$50,000 given by them to the commission for the faithful performance of their said contract be by

"M. B. McSweeney, "Governor and Chairman."

dition which must necessarily surround with the report of the commission, and her of the committee that there was work he had filed with the commission plans, specifications or written contract

In my capitol bid I figured on all old the latter.

(Of Stewart Contracting Company.) EXHIBIT H.

partial draft of a report of the com-mittee and a copy of the letter from the architect.

The minutes referred to contains the statement of Mr. Unkefer, one of the

contractors.

The committee desires your opinion under the terms of the contract and the circumstances of the case upon the question where the ownership of the old material rests, whether in the contractors or the State.

Awaiting your reply, I am,
Very truly yours,
Geo. S. Mower, Chairman. ATTORNEY GENERAL'S OPINION. Executive Department, Office of the Attorney General.
Columbia, S. C., Aug. 26, 1901.

Hon. Geo. S. Mower, Chairman, etc., Newberry, S. C. Dear Sir: I have before me your let-

The only pertinent reference in the

work he had filed with the commission an application to buy the said junk, but was informed that he must apply to the contractors for the purchase of same. That Mr. Unkefer told the deponent two or three days after the contract was awarded that the commission had referred to him the application deponent had made to buy the cation deponent further swears that he is a dealer in, and familiar with the market value of old iron and other junk, and that he made an estimate of and offered the highest market price for the old iron it was necessary to remove in placing the down on the grounder of the use or ownership of the "old matter and to the use or ownership of the "old matter and the use of ownership of the "old matter and the specifications, in the following words: "The successful contractor will be permitted to use all old material that is now on the ground, and such parts of the present roof that conform the called for. If in doubt consult the architect on this subject be-

tions bears internal evidence of con-scious ambiguity, and the conflicting interest is susceptible of various in-

with submitted, and the contracts and the specifications.

The papers submitted consist of a partial draft of a report of the committee any other conclusion.

tect, speaking on behalf of the commission, the known conduct of the contractors, based upon Milburn's inter-The statement of Milburn, the archi- old work on the completed portion of pretation, the acceptance of the bid based upon the supposed ownership by the word "prototype," on one of the the contractors of the "old material." general drawings, and this was intendand the declination to treat with a proand the declination to treat with a pro-posed purchaser for the sale of the old shape; and was not intended to apply material, and the reference of his bid to the classification of the workmanposed purchaser for the sale of the old "old material" in question.

approval, I am. Very truly yours, (Signed) G. Duncan Bellinger, Attorney General.

EXHIBIT I.

Columbia, S. C., Feb. 15,1904.

This certifies that in the fall of 1901 tee desires my "opinion under the terms of the contract and the circumstances of the case upon the question where the ownership of the old material rests, whether in the contractors or the State."

I have the honor to reply as follows:

As I gather them the admitted facts

EXHIBIT I.

Columbia, S. C., Feb. 15,1904.

This certifies that in the fall of 1901 to sheet 6 of the general drawings where the note before referred to is found, it will be seen that the work is to be the same only when it has its prototype in the old building. That it does not mean that the cornice.

That is just according to the plans and specifications, first-class galvantized iron being used, which was as good as could be afforded with the and the circumstances of the same only when it has its prototype in the old building.

The provided in the fall of 1901 the note before referred to is found, it will be seen that the work is to be the same only when it has its prototype in the old building.

That is just according to the plans and specifications, first-class galvantized iron being used. I have the honor to reply as follows: for haufing on. The ceiling is now by cornice is distinctly shown to be built good as could be afforded with the ap of the hospital.

Je W. Babcock.

This is not true. There is nothing in the plans and specifications which could be so construed except, perhaps, to McIlvaine-Unkefer company, all ship. Under each of the headings of estop the commission from claiming the various classes of work the same the "old material" in question.

Was fully outlined, giving the number of cuts to the inch for the different

parts of the work.

In this connection, I may say that it was not intended to make the stone cornice in one piece, for instance. The small appropriation for the whole work Upon motion of Mr. Mower the opinion of the attorney general was approved by a vote taken viva voce, Mr. was to be built up of several members, as it was done, instead of the more expensive one-piece cornice.

Third. That the State at a great expense, in the neighborhood of \$10,009,

After keeping the testimony, and linner columns from the front portico

which though adopted for the sake of uniformity and governmental regulation are but arbitrary. Since this installation there has been no complaint of the presence or suspicion of the existence of sewer gas, and the location of the closests is such that if the presence did actually exist there could be not exceed actually exist there could be not the occupants of the State house.

This determination on the part of the commission ceased, and I am in no the ordination amounted as mined the ceiling removed from the sake of the commission ceased, and I am in no the ceiling removed from the state house, while it remained by the commistic has been termed "curt." I amined the ceiling removed from the State house, while it remained on the State house, while it remained on the State house, while it remained the ceiling removed from the stand would be permitted to use when being exponsition of the state house, while it remained on the State house, while it remained on the State house, while it remained on the State house, while the new plans and specifications. That deponent that it remained on the State house, while it remained the ceiling value of the commistice. Acting upon the intention and if it is the disposal of the commistee. In this committee use of the work J. B. Garfunkel.

Sworn to before me this 15th day of February, 1904. D. W. McLaurin.

Notary Public.

EXHIBIT G.

Submitted to the commission a proposition of Mr. Garfunkel be turned be for munication of Mr. Garfunkel be turned be for munication of Mr. Garfunkel be turned be for munication of Mr. Garfunkel be turned be formally in the company's bid, ordered that the communication of Mr. Garfunkel be turned be formally in the communication of Mr. Garfunkel be turned be formally in the communication of Mr. Garfunkel be turned be formally in the communication of Mr. Garfunkel be turned be formally in the communication of Mr. Garfunkel be turned be formally in the communication of Mr. Garfunkel be turned be formally in the communication of Mr. Garfunkel be turned be formally in the communication of Mr. Garfunkel be turned by the communication of Mr. Garfunkel by the communication ponent was endeavoring to put in what above when being examined before the considered necessary or proper qualifications of "yes" and "no" answers questions were not asked him.

I. R. Carfunkel.

I. R. Carfunke sion, upon accepting McIlvain-Unkefer company's bid, ordered that the communication of Mr. Garfunkel be turned over to the successful bidding contractor, upon the ground that the said "old material" was at the disposal of the latter.

The clause quoted for the specifications of the latter.

The clause quoted for the specifications are specifications filed with the plans and specifications filed with the plans and specifications filed with the strength of the structure would not be impaired in the least; because it would save much time in completing the work, and because it would save made by Col. Marshall after my election as architect, and was fully contractors offered to furnish a sidered and passed upon by the capitol of the structure would not be impaired in the least; because it would save much time in completing the work, and because it would save made by Col. Marshall after my election as architect, and was fully contractors offered to furnish a sidered and passed upon by the capitol \$2,000, necessitating new column for Savannah, Ga., Feb. 19,1904.

That some time subsequent to deponent's examination by said joint committee ex-Attorney General G. Duncan Bellinger, handed to deponent a letter written by said G. Duncan Bellinger to ex-Gov. M. B. McSweeney, dated Dec. 22, 1903, of which the following is a copy:

(Of Stewart Contracting Company.)

Savannah, Ga., Feb. 19,1904.

Scious ambiguity, and the conflicting interest is susceptible of various interpretations. It is easy to conceive that the bidding contractors could claim with a show of reason, the title to the "old material" in question, and inasmuch as the paper containing the clause was prepared for and in behalf of the commission and the law would, is a copy:

(Of Stewart Contracting Company.)

EXHIBIT H.

Scious ambiguity, and the conflicting interest is susceptible of various interpretations. It is easy to conceive that the bidding contractors could that the bidding contractors could that the bidding contractors and builders of this section to the "old material" in question, and inasmuch as the paper containing the clause was prepared for and in behalf of the commission, and the law would, as I understand it constructed by a heavy bond, had all upon this work. Some of these mission in the year 1900, Mr. Marball alone dissenting. At that time therometric shall alone dissenting. At that time shall alone dissenting. At that time therometric sha several months' delay; or, piece the

> sufficiency of the "bracing and anchor-ing," goes out of his way to suggest carelessness in "a great portion of construction throughout this building. Again, this "government" witness says the two massive square pillars. under the portico, "now perform no duty at all." Any sane person can see for himself that these piers, originally constructed principally to support the two inner columns, since the change support much of the portico. And it was to get such a witness that the in vestigating committee passed over so many southern architects and con-tractions of known ability and integ-

rity. Fifth. That the new leaf work on the capitals is not as fine as the old.
It being impracticable to get the stone for this new work from the old quarry, a stone was selected which matched it exactly, and the same accepted with the bid of the contractors, the only slight difference, and which is not appreciable, in the work on the capitals, is due to the fact, Pacolet granite is a trifle softer and

propriation, and answers every pur-

lad a spiendid steel ceiling in the main leaks in rainy weather, I beg to say it lobby, which the contractors took and converted to their own use, whereby the State lost in the paighborhood fort to give all the light possible to the state lost in the paighborhood. In reference to the glass floor which

EXHIBIT C. question. If with all the fasts before you, you should conclude that the one man has been always right and the pleast in extension that we have done pleast in extension that we have done and proceedings of the company. It was not to the first that it is reporter for The Daily Formation and any report in the received to a tast time reporter for The Columbia and Garly. Thothing extension and any report in the received to the first that it is reporter for The Columbia and Garly. Thothing extension and the pleast time of the first that it is reporter for The Columbia and Garly. Thothing extension and the pleast time of the first that it is reporter for The Columbia and Garly. Thothing extension and the pleast time of the first that it is reporter for The Columbia and Garly. Thothing extension and the pleast time of the first that it is reporter for The Columbia and Garly. Thothing extension and the pleast time of the first that it is reported for the State house, where he heard the legistic and the pleast time of the first that it is reported for the State house, where he heard the legistic and the pleast time of the first that it is company. It is a state to the first that the contract of the first that the received was the first that the contract of the first that the received in the post of the first that the contract of the first that the first that the contract of the first that the contract of the first that the contract of the first that the first that the first that the contract of the first that the contract of the first that the fir